

EXHIBIT 5

Document Sought to Be Filed Under Seal

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.,)

)

Plaintiff,)

)

vs.)Case No.

)2:22-cv-203-JRG

MICRON TECHNOLOGY, INC.,)

)

MICRON SEMICONDUCTOR)

PRODUCTS, INC., and MICRON)

TECHNOLOGY TEXAS, LLC,)

)

Defendants.)

)

REMOTE VIDEOTAPED DEPOSITION
OF

JOHN BENTLEY HALBERT, III
Saturday, September 30, 2023
Castiglione Falletto, Italy

Reported by: B. Suzanne Hull, CSR No. 13495

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1	APPEARANCES	1	EXHIBITS (Continued)
2		2	EXHIBIT DESCRIPTION PAGE
3		3	Exhibit 31 MIPI M-PHY future mobile PHY 46
4	For Plaintiff: Irell & Manella, LLP	4	proposal, September 2009,
5	By MS. HONG (ANNITA) ZHONG	5	Bates Stamp Numbers
6	Attorney at Law	6	SAM-NET00061251 through
7	1800 Avenue of the Stars	7	SAM-NET00061288, JC42.6 Item
8	Suite 900	8	Number 1776.10, thirty-eight
9	Los Angeles, California 90067	9	pages
10	(310) 203-7183	10	Exhibit 32 Wide-IO TG report, 46
11	hzhong@irell.com	11	December 2009, FM-Mobile Wide
12	For Defendants: Winston & Strawn LLP	12	IO TG, Bates Stamp Numbers
13	By MR. VIVEK V. KRISHNAN	13	SAM-NET00065075,
14	Attorney at Law	14	SAM-NET00065087, Item Number
15	35 West Wacker Drive	15	1777.00, thirteen pages
16	Chicago, Illinois 60601	16	Exhibit 33 Advanced memory package 46
17	(312) 558-9508	17	proposal, Item Number 1782.01,
18	vkrishnan@winston.com	18	1st showing, March 2010,
19		19	Bates Stamp Numbers
20		20	SAM-NET00067316 through
21		21	SAM-NET00067322, seven pages
22		22	///
23		23	///
24		24	///
25		25	///
	Page 2		Page 4
1	I N D E X	1	EXHIBITS (Continued)
2		2	EXHIBIT DESCRIPTION PAGE
3	EXAMINATION BY PAGE	3	Exhibit 34 FMD - Wide I/O TG read clock 46
4		4	proposal, March 2010,
5	MS. ZHONG 10	5	Sponsored by Apple/Hynix,
6		6	Bates Stamp Numbers
7		7	SAM-NET00068554 through
8		8	SAM-NET00068559, six pages
9	E X H I B I T S	9	Exhibit 35 Wide I/O ball map baseline 47
10		10	proposal, first showing,
11	EXHIBIT DESCRIPTION PAGE	11	Sponsors: Elpida, Intel,
12	Exhibit 2 Micron prior art - public 14	12	Nokia, Samsung, June 7, 2010,
13	availability dates, two pages	13	Item Number 1777.29,
14	Exhibit 1 Slide deck, Introduction to 16	14	Bates Stamp Numbers
15	JEDEC, March 2023, Bates Stamp	15	SAM-NET00072684 through
16	Numbers MICNL203_00082326	16	SAM-NET00072687, four pages
17	through MICNL203_00082386,	17	Exhibit 36 Future Mobile Memory (FMM), 47
18	sixty-one slides	18	Wide I/O refresh scheme,
19	Exhibit 3 Expert report of 27	19	second showing, Item Number
20	John B. Halbert, dated	20	1777.18, September 10, 2010,
21	December 22, 2022,	21	Bates Stamp Numbers
22	twenty-eight pages	22	SAM-NET00076461 through
23	Exhibit 4 Deposition of John Bentley 30	23	SAM-NET00076463, three pages
24	Halbert, III, dated July 22,	24	///
25	2022, seventy pages	25	///
	Page 3		Page 5

1 BY MS. ZHONG: 16:36:45	1 A. Correct. 16:40:48
2 Q. Is it contrary to JEDEC policy for a JEDEC 16:36:49	2 It is against policy to distribute a whole 16:40:50
3 committee member to distribute a pending committee 16:36:53	3 document. 16:40:58
4 ballot to a non JEDEC entity? 16:36:57	4 Q. And in your experience, are you aware of 16:40:59
5 A. I repeat, as a whole document, they were 16:36:59	5 any JEDEC committee members who distribute JEDEC 16:41:07
6 never distributed. 16:37:03	6 proposals, JEDEC ballot, or JEDEC meeting minutes 16:41:11
7 Q. Can you please refresh your exhibits -- 16:37:04	7 outside of the committees? 16:41:16
8 Exhibit Share folder and see whether there is an 16:38:28	8 A. You are talking about whole documents? 16:41:18
9 Exhibit Number 4 there. 16:38:32	9 Q. Let's start with the whole documents. 16:41:22
10 (Plaintiff's Exhibit Number 4 16:38:32	10 A. No. 16:41:25
11 was marked for identification.) 16:38:39	11 I am not aware of anybody. 16:41:25
12 THE WITNESS: (Witness complies.) 16:38:39	12 Q. Okay. Are you aware of someone who excerpt 16:41:27
13 Oh, I have got number four. 16:38:44	13 certain portions of the documents and distribute 16:41:37
14 BY MS. ZHONG: 16:38:44	14 outside the JEDEC committee? 16:41:39
15 Q. Okay. Please download it. 16:38:48	15 A. I am aware of one time. 16:41:41
16 MS. ZHONG: And, for the record, 16:38:53	16 Q. Okay. Can you describe the circumstance of 16:41:44
17 Exhibit Number 4 is deposition of 16:38:55	17 that single time outside -- out of your seventeen 16:41:49
18 John Bentley Halbert III, dated July 22nd, 2022, in 16:38:59	18 years of experience at JEDEC? 16:41:53
19 IPR proceedings, IPR 2022-00062 and IPR 2022-00064, 16:39:07	19 A. Unfortunately, I cannot -- 16:41:54
20 between -- between Samsung and Netlist. 16:39:20	20 Q. Okay. 16:41:54
21 BY MS. ZHONG: 16:39:25	21 A. Because I am -- the -- who it was 16:41:57
22 Q. Do you have that document? 16:39:25	22 distributed to is -- I'm not permitted to talk about. 16:42:03
23 A. I do. 16:39:26	23 Q. Okay. Can you describe it on a high level 16:42:08
24 Q. Okay. Do you recognize that as being 16:39:27	24 without disclosing who it is to? Is it to -- 16:42:12
25 a deposition transcript of yours in those IPR 16:39:30	25 I assume it is Intel to some -- to someone outside of 16:42:19
Page 30	Page 32
1 proceedings? 16:39:33	1 Intel? 16:42:26
2 A. Yes, I do. 16:39:34	2 A. Yes. 16:42:27
3 Q. Okay. Why don't we go to page twenty-three 16:39:35	3 Q. To its business partner or customer? 16:42:27
4 of the deposition transcript. 16:39:39	4 A. It was not a customer. And beyond that, 16:42:30
5 A. (Witness complies.) 16:39:43	5 I am not going to play twenty questions. 16:42:37
6 Q. Let me know when you are there. 16:39:45	6 Q. Okay. And what was distributed? A ballot, 16:42:40
7 A. I am there. 16:39:48	7 a minute, or a proposal? 16:42:53
8 Q. Okay. Take a look at lines fourteen to 16:39:49	8 A. A proposed -- this was a technical -- what 16:42:57
9 eighteen; so page twenty-three, lines fourteen to 16:39:54	9 do you call it? Technical proposals and directions 16:43:03
10 eighteen. 16:40:01	10 for a given technology that was being discussed and 16:43:08
11 A. Uh-huh. 16:40:03	11 balloted within JEDEC. 16:43:15
12 Q. So the question was: 16:40:04	12 Q. Okay. And that was the single experience 16:43:18
13 "Is it contrary to JEDEC policy to -- 16:40:06	13 that you could remember out of the seventeen, 16:43:21
14 for a JEDEC committee member to distribute 16:40:12	14 eighteen years of being a JEDEC representative for 16:43:24
15 a pending committee ballot to a non JEDEC 16:40:14	15 Intel; is that correct? 16:43:27
16 entity?" 16:40:18	16 A. That was a -- 16:43:30
17 And your answer is: 16:40:18	17 MR. KRISHNAN: Objection to form. 16:43:32
18 "Yes." 16:40:20	18 THE WITNESS: -- one -- one case that I had 16:43:34
19 Did I read it correctly? 16:40:22	19 personal experience. 16:43:38
20 A. Yes, you did. 16:40:24	20 BY MS. ZHONG: 16:43:38
21 Q. Okay. And is this the correct answer? 16:40:26	21 Q. Okay. Are you aware of any other 16:43:38
22 A. Yes. 16:40:34	22 circumstances? 16:43:40
23 Q. Okay. So it is contrary to JEDEC policy for 16:40:35	23 A. No. 16:43:42
24 a JEDEC committee member to distribute a pending 16:40:39	24 But it doesn't mean that they didn't have 16:43:44
25 committee ballot to a non JEDEC entity; correct? 16:40:42	25 them. 16:43:49
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1 THE WITNESS: I was going to say I have 19:59:48
2 limited time available, so.... 19:59:50
3 MR. KRISHNAN: Yeah. 19:59:53
4 You can sign off now. You can sign off now, 19:59:54
5 if you want to. 19:59:56
6 THE WITNESS: Okay. 19:59:56
7 MR. KRISHNAN: And then -- yeah. 19:59:57
8 Well, we need to go off the record first. 19:59:57
9 THE VIDEOGRAPHER: Okay. Thank you. 20:00:02
10 This will conclude today's deposition of 20:00:02
11 John Halbert. 20:00:07
12 The total number of media units used in the 20:00:07
13 deposition today was three and will be retained by 20:00:10
14 Veritext Legal Solutions. 20:00:13
15 We are going off the record. 20:00:14
16 The time is 8:00 p.m. Central European Time. 20:00:16
17 Thank you. 20:00:20
18 THE REPORTER: Mr. Krishnan, would you like
19 a copy?
20 MR. KRISHNAN: I would like a copy and
21 expedited for Monday.
22 THE REPORTER: Would you like a rough?
23 MR. KRISHNAN: Yes.
24 (8:00 p.m.)
25 --ooOoo--


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1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF KERN)
3
4 I, JOHN BENTLEY HALBERT, III, do hereby
5 certify:
6 That I have read the foregoing
7 deposition;
8 That I have made such changes in form and/or
9 substance to the within deposition, as might be
10 necessary to render the same true and correct;
11 That having made such changes thereon, I
12 hereby subscribe my name to the deposition.
13 I declare, under penalty of perjury, that
14 the foregoing is true and correct.
15 Executed this ____ day of _____,
16 2023, at _____, California.
17 _____
18
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22
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25

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1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF KERN)
3
4
5 I, B. Suzanne Hull, a Certified Shorthand
6 Reporter in the State of California, holding
7 Certificate Number 13495, do hereby certify that
8 JOHN BENTLEY HALBERT, III, the witness named in the
9 foregoing deposition, was by me duly sworn; that said
10 deposition, was taken Saturday, September 30, 2023,
11 at the time and place set forth on the first page
12 hereof.
13 That upon the taking of the deposition, the
14 words of the witness were written down by me in
15 stenotypy and thereafter transcribed by computer
16 under my supervision; that the foregoing is a true
17 and correct transcript of the testimony given by the
18 witness.
19 Pursuant to Federal Rule 30(e), transcript
20 review was requested.
21 I further certify that I am neither counsel
22 for nor in any way related to any party to said
23 action, nor in any way interested in the result or
24 outcome thereof.
25 ///

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1 Dated this 30th day of September, 2023, at
2 Bakersfield, California.
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4 
5 B. Suzanne Hull, CSR No. 13495
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